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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,117	07/08/2003	Kazuhiro Maeda	500.42919X00	6087

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EXAMINER

NEWAY, SAMUEL G

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/614,117	Applicant(s) MAEDA ET AL.	
	Examiner Samuel G. Neway	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/05, 11/16/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to the Application filed on July 08, 2003.

Drawings

2. The drawings are objected to because it is unclear from the Specification what the "Accomplish Communication" arrow (from the "Check Communication Error Rate" step) represents in FIG.2 and FIG.3. The communication error is either high or low. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cline et al. (USPN 5,696,879) in view of Mizutani (USPGPub 2002/0037711).

Claim 1:

Cline discloses a communication terminal comprising:

a voice input unit which inputs voice (item 206, FIG.2 and related text);

a voice converting unit which converts the voice inputted by the voice input unit into a voice signal (item 204, FIG. 2 and related text);

a character converting unit which converts the voice signal converted by said voice converting unit into a character signal (item 202, FIG. 2 and related text);

a transmitting unit which transmits said voice signal and said character signal via a communication line (item 240, FIG. 2 and related text);

but Cline does not explicitly disclose a control unit which controls said transmitting unit in such a manner that said transmitting unit transmits said voice signal or said character signal in response to a condition of said communication line.

Mizutani discloses a system wherein an image or the compressed version of the image is transmitted in response to a condition of a communication line (Abstract) similar to the communication line in Cline's communication system.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to check the condition of the communication line in Cline's system and send a character signal which requires a smaller bandwidth as opposed to a voice signal in order to "prevent long-term exclusive use (necessary use) of a specific frequency or a specific channel and increase in power (battery) consumption even if the line quality of a communication network is low or a data transfer data capacity is small " (Mizutani, [0014]).

Claim 2:

Cline and Mizutani disclose a communication terminal according to claim 1 Mizutani further discloses said control unit controls said transmitting unit in such a manner that said transmitting unit transmits said character signal when an error rate of said communication line is higher than a predetermined value (FIG. 7, item s703 and related text).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to check the error rate of the communication line in Cline's system and send a character signal which requires a smaller bandwidth as opposed to a voice signal in order to "prevent long-term exclusive use (necessary use) of a specific frequency or a specific channel and increase in power (battery) consumption even if the line quality of a communication network is low or a data transfer data capacity is small " (Mizutani, [0014]).

Claim 3:

Cline and Mizutani disclose a communication terminal according to claim 1 Cline further discloses wherein: said communication terminal is comprised of a storage unit for storing therein both said voice signal and said character signal ("data is stored in voice database 258 along with the speaker identification code", col. 3, lines 51-53).

Claim 4:

Cline and Mizutani disclose a communication terminal according to claim 3 Cline further discloses wherein: said storage unit stores therein time information in combination with said voice signal and said character signal ("text file may include ... times...", col.3, lines 8-10).

Claim 6:

Cline discloses a communication terminal comprising:

a voice input unit which inputs voice (item 206, FIG. 2 and related text);

a voice converting unit which converts the voice inputted by the voice input unit into a voice signal (item 204, FIG. 2 and related text);

a character converting unit for converting said voice signal into a character signal (item 202, FIG. 2 and related text);

a transmitting unit which transmits said voice signal and said character signal via a communication line (item 240, FIG. 2 and related text);

Mizutani discloses a system wherein an image or the compressed version of the image is transmitted in response to a condition of a communication line (Abstract) similar to the communication line in Cline's communication system.

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Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to transmit a picture as well as the voice and character signals in Cline's system because "In addition to voice communication, the portable radio communication apparatuses implement a text mail function and an easy Web browser function. To further improve the communication capacity of new-generation portable radio communication apparatuses, it is considered that an improvement in the capacity of an image photographing function and a communication function of the photographed image will become important." (Mizutani, [0005])

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to check the condition of the communication line in Cline's system and send a character signal which requires a smaller bandwidth as opposed to a voice signal in order to "prevent long-term exclusive use (necessary use) of a specific frequency or a specific channel and increase in power (battery) consumption even if the line quality of a communication network is low or a data transfer data capacity is small " (Mizutani, [0014]).

Claim 7:

Cline discloses a communication terminal comprising:

a voice input unit which inputs voice (item 206, FIG. 2 and related text);

a voice converting unit which converts the voice inputted by the voice input unit into a voice signal (item 204, FIG. 2 and related text);

a character converting unit which converts the voice signal converted by said voice converting unit into a character signal (item 202, FIG. 2 and related text);

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a transmitting unit which transmits said voice signal and said character signal via a communication line (item 240, FIG. 2 and related text);

but Cline does not explicitly disclose a control unit which controls said transmitting unit in such a manner that said transmitting unit transmits said voice signal or said character signal in response to a condition of said communication line.

Mizutani discloses a system wherein an image or the compressed version of the image is transmitted in response to a condition of a communication line (Abstract) similar to the communication line in Cline's communication system.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to check the condition of the communication line in Cline's system and send a character signal which requires a smaller bandwidth as opposed to a voice signal in order to "prevent long-term exclusive use (necessary use) of a specific frequency or a specific channel and increase in power (battery) consumption even if the line quality of a communication network is low or a data transfer data capacity is small " (Mizutani, [0014]).

Cline further discloses wherein said second communication terminal is comprised of:

a receiving unit capable of receiving both a voice signal and a character signal (item 254, FIG. 2 and related text);

an output unit for outputting the voice signal received by said receiving unit (item 260, FIG. 2 and related text);

and a display unit for displaying thereon the character signal received by said receiving unit (item 30, FIG. 1 and related text).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cline et al. (USPN 5,696,879) in view of Mizutani (USPGPub 2002/0037711) and in further view of Agnihotri (USPGPub 2003/0065503).

Claim 5:

Cline and Mizutani disclose a communication terminal according to claim 4 Cline further discloses wherein:

said communication terminal is comprised of a character input unit which inputs a character (item 24, FIG. 1 and related text),

and reads a voice signal from said storage unit in response to information of a character signal corresponding to the character inputted by said character input unit ("Synthesizer 252 examines the speaker identification code of a text file received from network adapter 254 and searches voice database 258 for that speaker identification code and corresponding voice characteristics", col. 3, lines 56-59).

But Cline and Mizutani do not explicitly disclose the information as being time.

Agnihotri discloses a system of transmitting text ("auxiliary information") separate from its corresponding audio/video signal with timestamp in order to correlate the text with the audio/video signal ([0021]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use time as the information in Cline's system in order to include another means of searching and identifying the voice characteristics.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ichikawa et al. (USPN 4,975,957) discloses a communication system which organically combines voice data communication with character data communication

Jong (USPN 6,173,250) discloses a method for speech-text-transmit communication over data networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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